

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:18-cv-19-FDW**

DAVID M. HAROLD,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
DEPARTMENT OF PUBLIC SAFETY, et al.,)	
)	
Defendants.)	
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THIS MATTER is before the Court on initial review of Plaintiff’s Complaint, (Doc. No. 1).

I. BACKGROUND

In this action filed on January 31, 2018, pursuant to 42 U.S.C. § 1983, pro se Plaintiff David M. Harold, a pre-trial detainee currently incarcerated at the Buncombe County Detention Facility in Asheville, North Carolina, purports to bring a claim for excessive force against various Defendants arising out of events occurring while he was an inmate at Central Prison in Raleigh, North Carolina.

II. DISCUSSION

In an action arising under 42 U.S.C. § 1983, venue is established by 28 U.S.C. § 1391(b), which provides: (b) A civil action may be brought in: (1) a judicial district where any defendant resides, if all defendants are residents of the State in which the district is located; (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) if there is no

district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court's personal jurisdiction with respect to such action. Therefore, under Section 1391, Plaintiff's action may be heard in a venue where all the defendants reside, or in the venue where the issue substantially arose, which is the Eastern District of North Carolina. Pursuant to 28 U.S.C. § 1406(a), the Court may dismiss this action, or, if it is in the interest of justice, transfer this action to the United States District Court for the Eastern District of North Carolina. The Court will transfer this action to the Eastern District of North Carolina.

III. CONCLUSION

For the reasons stated herein, the Court transfers this action to the Eastern District of North Carolina.

IT IS, THEREFORE, ORDERED that:

1. Plaintiff's action is transferred to the Eastern District of North Carolina.
2. The Clerk is instructed to terminate this action.

Signed: February 8, 2018



Frank D. Whitney
Chief United States District Judge

